

Application No. 10/601,806
Reply to Restriction Requirement of June 15, 2004

is not required (M.P.E.P. § 803). The burden of proof is on the Examiner to provide reasons and/or examples, to support any conclusion in regard to patentable distinctness (M.P.E.P. § 803). Applicants respectfully traverse the Restriction Requirement on the grounds that the Examiner has not carried the burden of providing sufficient reason and/or examples to support any conclusion that the claims of the restricted groups are patentably distinct.

The Examiner has categorized the relationships between Groups II and I as process of making and product made. Patentable distinctness may be shown if either or both of the following can be shown: (A) that the process as claimed is not an obvious process of making the product and the process as claimed can be used to make other and different products, or (B) that the product as claimed can be made by another and materially different process (M.P.E.P. § 806.05(f)). However, the Examiner has not provided sufficient examples or reasons to support the Examiner's conclusion. The Examiner states that "... the product, a glass funnel for a cathode ray tube, can be manufactured by an alternative method including for instance submersal in a molten solution including ions thus encouraging an ion exchange, the use of a paste on the glass surface to facilitate the ion exchange, and the alternative use of an electric field with either of the previous two processes."

The Examiner has provided insufficient reasons to demonstrate that the cited steps will give the product of the present invention. Therefore, the Examiner's reasoning is nearly a restatement of the Examiner's conclusion that the two groups are patentably distinct. As the Examiner has provided insufficient reasons in support of this belief, the Examiner has not met the burden placed upon him, and accordingly, the restriction is believed to be improper and should be withdrawn.

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Applicants submit this application is now in condition for examination on the merits
and early notification of such action is earnestly solicited.

Respectfully submitted,

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